

Appl. No. 10/537,953; Docket No. US02 0588 US
Amdt. dated July 19, 2006
Response to Office Action of June 30, 2006

REMARKS/ARGUMENTS

Claims 1-20 are pending in the application. Per the Office Action of March 27, 2006, Examiner had noted that Claims 1-20 are allowed.

Applicants note in current Office Action, Examiner has called for Restriction for the above claims.

Group I, claim 1-8 drawn to semiconductor device, classified in class 257, subclass 52.

Group II, claims 9-20 drawn to a method of making a semiconductor device, classified in class 438, subclass 333.

Applicants telephoned Examiner on July 19, 2006 to discuss this matter for direction on how to respond. Per Examiner's suggestion, Applicants therefore respond to the Restriction Requirement with traverse.

Applicants elect Group I, claims 1-8 with traverse.

Applicants respectfully traverse the imposition of Restriction Requirement. The Application had been examined on its merits and claims 1-20 had been declared allowable (in the Office Action of March 27, 2006). Applicants believe that according to §MPEP 714.14, under the decision in *Ex parte Quayle*, 25 USPQ 74, 1935 C.D. 11; 453 O.G. 213 (Comm'r Pat. 1935), after all claims in an application have been allowed the prosecution of the application on the merits is closed even though there may be outstanding formal objections which preclude fully closing the prosecution.

Applicants believe all of the Examiner's concerns have been addressed. The case is allowable, as presented, and a Notice of Allowance is earnestly requested.

Please charge any fees other than the issue fee and credit any overpayments to Deposit Account 14-1270.

Respectfully submitted,

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